

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et seq.; the "Act"), the

**Mississippi Band of Choctaw Indians
Post Office Box 6366 - Choctaw Branch
Choctaw, Mississippi 39350**

is authorized to discharge from a facility located at

**Standing Pine Lagoon
BIA Road 2521
Walnut Grove, Leake County, Mississippi**

to receiving waters named

Outfall 001: Unnamed tributary to Standing Pine Creek to the Pearl River

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein. The permit consists of this cover sheet, Part I 4 pages, Part II 16 pages, and Part III 3 pages.

This permit shall become effective on December 1, 2003.

This permit and the authorization to discharge shall expire at midnight

Date Issued

James D. Giattina, Director
Water Management Division

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS -

1. During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge from outfall Serial Number 001, sanitary wastewater.

Such discharges shall be limited and monitored by the permittee as specified below:

PARAMETERS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	MONTHLY AVG	WEEKLY AVG	SAMPLING POINT(s) ¹	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow, MGD	Report	Report	Effluent	2/Month	Instantaneous
Carbonaceous Biochemical Oxygen Demand 5-Day (CBOD ₅), mg/l (lbs/day)	15.0 (15.3)	22.5 (22.9)	Effluent	1/Month	Grab
Total Suspended Solids (TSS), mg/l (lbs/day)	Report ² 90.0 (91.5)	— 135.0 (137.3)	Influent Effluent	1/Month	Grab
Dissolved Oxygen (DO)	shall not be less than 6.0 mg/l		Effluent	1/Month	Grab
pH, standard units (SU)	6.0 - 9.0		Effluent	1/Month	Instantaneous Grab
Total Residual Chlorine (TRC), mg/l	0.011	0.019 as a daily maximum	Effluent	1/Month	Grab
Only For May through October					
Fecal Coliform Bacteria, #/100ml	200	400	Effluent	1/Month	Grab
Ammonia Nitrogen, (NH ₃ -N), mg/l (lbs/day)	2.0 (2.03)	—	Effluent	1/Month	Grab
Only For November through April					
Fecal Coliform Bacteria, #/100ml	2000	4000	Effluent	1/Month	Grab
Ammonia Nitrogen, (NH ₃ -N), mg/l (lbs/day)	3.0 (3.05)	--	Effluent	1/Month	Grab

¹ See item 4 on page I-2. ² See item 2 on page I-2.

2. In addition to the specified limits, the monthly average effluent TSS concentration shall not exceed 35% of its respective influent values (minimum of 65% removal). The percent removal shall also be reported on the Discharge Monitoring Report (DMR) Form (EPA No. 3320-1).
3. The geometric mean of the fecal coliform values collected during any monthly period shall not exceed 200 colonies (from May through October) or 2000 colonies (from November through April) per 100 ml of effluent sample and shall be reported as the monthly average value on the DMR Form. The weekly fecal coliform value (also computed as a geometric mean should any more than one sample be taken in a week) shall not exceed 400 colonies (from May through October) or 4000 colonies (from November through April) per 100 ml of effluent sample and shall be reported as the weekly average value on the DMR Form.
4. Samples taken in compliance with the monitoring requirements specified in this permit shall be taken at the nearest accessible point after final treatment but prior to the actual discharge or mixing with the receiving waters (unless otherwise specified).
5. Any bypass of the treatment facility, which is not included in the effluent monitored above, is to be monitored for flow and all other parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data. All monitoring results shall be reported on a DMR Form.
6. There shall be no discharge of floating solids or visible foam in other than trace amounts.
7. The effluent shall not cause a visible sheen on the receiving water.
8. If the results for a given sample analysis are such that any parameter (other than fecal coliform) is not detected at or above the minimum level for the test method used, a value of zero will be used for that sample in calculating an arithmetic mean value for the parameter. If the resulting calculated arithmetic mean value for that reporting period is zero, the permittee shall report "NODI=B" on the DMR Form. For fecal coliform, a value of 1.0 shall be used in calculating the geometric mean. If the resulting fecal coliform mean value is 1.0, the permittee shall report "NODI=B" on the DMR Form. For each quantitative sample value that is not detectable, the test method used and the minimum level for that method for that parameter shall be attached to and submitted with the DMR Form. The permittee shall then be considered in compliance with the appropriate effluent limitation and/or reporting requirement.
9. Overflow identification: The permittee shall identify all wastewater discharges, at locations not authorized as permitted outfalls, that occur prior to the headworks of the wastewater treatment plant covered by this permit. The permittee shall submit, with the scheduled DMR Form, the following information for each discharge event at each source that occurs during the reporting period covered by the DMR Form:

- a. the cause of the discharge;
- b. duration and volume (estimate if unknown);
- c. description of the source, e.g., manhole cover, pump station;
- d. type of collection system that overflowed, i.e., combined or separate;
- e. location by street address, or any other appropriate method;
- f. date of event;
- g. the ultimate destination of the flow, e.g., surface water body, land use location, via municipal separate storm sewer system to a surface water body, (show location on a USGS map or copy thereof); and
- h. corrective actions or plans to eliminate future discharges.

The permittee shall refer to Part II.D.8 of this permit which contains information about reporting unpermitted discharge events. Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States.

B. SLUDGE MANAGEMENT PRACTICES

1. The permittee shall comply with all existing federal laws and regulations that apply to sewage sludge use and disposal practices including 40 CFR Part 503 and 40 CFR Part 258 which are hereby incorporated as part of the permit by reference, and the Clean Water Act (CWA) Section 405(d) technical standards.

If an applicable management or practice or numerical limitation for pollutants in sewage sludge more stringent than existing federal regulations is promulgated under Section 405(d) of the CWA, this permit may be modified or revoked or reissued to conform to the promulgated regulations.

2. The permittee is responsible for assuring that all biosolids produced at its facility are used or disposed of in accordance with these rules, whether the permittee uses or disposes of the biosolids itself or transfers them to another party for further treatment, use, or disposal. The permittee is responsible for informing subsequent preparers, appliers, and disposers of the requirements that they must meet under these rules.
3. Duty to mitigate: The permittee shall take all reasonable steps to minimize or prevent any discharge or biosolids use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
4. The permittee shall submit an annual sludge report containing the information required in 40 CFR Part 503 by February 19th of each calendar year. The report shall cover the previous calendar year. The report shall be submitted to the U.S. EPA Region 4, Water Programs Enforcement Branch, 61 Forsyth Street, S.W., Atlanta, Georgia 30303-8960.

C. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

Operational Level Attained.....Effective Date of Permit

2. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

PART III

Other Requirements

A. Reporting of Monitoring Results

Monitoring results obtained for each month shall be summarized for that month and reported on a Discharge Monitoring Report (DMR) Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed month. (For example, data for January shall be submitted by February 28.) Signed copies of these, and all other reports required by Section D of Part II, Reporting Requirements, shall be submitted to the Permit Issuing Authority at the following address:

Environmental Protection Agency
Region 4
Clean Water Act Enforcement Section
Water Programs Enforcement Branch
Water Management Division
61 Forsyth St., SW
Atlanta, GA 30303-8960

If no discharge occurs during the reporting period, sampling requirements of this permit do not apply. The statement "No Discharge" shall be written on the DMR Form. If, during the term of this permit, the facility ceases discharge to surface waters, the Permit Issuing Authority shall be notified immediately upon cessation of discharge. This notification shall be in writing.

B. Reopener Clause

This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation, or sludge disposal requirement issued or approved under Sections 301(b)(2)(C) & (D), 307(a)(2), and 405(d)(2)(D) of the Clean Water Act, as amended, if the effluent standard, limitation, or sludge disposal requirement so issued or approved:

- a. Contains different conditions or is otherwise more stringent than any condition in the permit; or
- b. Controls any pollutant or disposal method not addressed in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

C. Special POTW Requirements

a. Change in Discharge

In the case of a publicly owned treatment works (POTW) any anticipated changes in the facility discharge, including any new significant industrial discharge or significant changes in the quantity or quality of existing industrial discharges to the treatment system which will result in new or increased discharges of pollutants, must be reported to the Permit Issuing Authority. Modifications to the permit may then be made to reflect any necessary effluent limitations for any pollutants not identified and limited herein. The permittee may be required to develop a local pretreatment program, if the industrial wastes are regulated by Federal Categorical Standards or cause interference at the POTW.

b. Control of User Discharges to the System

1. Under no circumstances shall the permittee allow introduction of the following pollutants into the waste treatment system:
 - a) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 °F or 60 °C using the test methods specified in 40 CFR § 261.21;
 - b) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the treatment works is specifically designed to accommodate such discharges;
 - c) Solid or viscous pollutants in amounts which will cause obstruction to the flow in sewers, or other interference with the operation of the POTW;
 - d) Any pollutant including oxygen demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause interference in the POTW;
 - e) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds 40 °C (104 °F) unless the treatment works is designed to accommodate such heat;
 - f) petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
 - g) pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and/or
 - h) Any trucked or hauled pollutants except at discharge points designated by the POTW.

2. The permittee shall notify the Permit Issuing Authority of any of the following changes in user discharge to the system no later than 180 days prior to change in discharge:
 - a) New introduction into such works of pollutants from any source which would be a new source as defined in Section 306 of the Act, if such source were discharging pollutants.
 - b) New introduction of pollutants into such works from a source which would be subject to Section 301 or Section 307 of the Act, if it were discharging such pollutants.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Wendell Stokes
Director of Public Works
Mississippi Band of Choctaw Indians
Post Office Box 6366 - Choctaw Branch
Philadelphia, Mississippi 39350

RE: Intent to Issue
Standing Pine Lagoon
NPDES Number MS0043494

Dear Mr. Stokes:

The Environmental Protection Agency (EPA), Region 4, intends to issue a National Pollutant Discharge Elimination System (NPDES) permit in accordance with the Federal Clean Water Act to the referenced facility in the near future.

The enclosed draft permit shows the proposed conditions to be incorporated as part of the final NPDES permit. Particular attention should be given to the effluent limitations, schedule of compliance, monitoring requirements, and reporting dates.

Comments relative to this draft permit are not required; however, if you wish to submit comments, please do so before September 15, 2003. Comments made during this time period may be incorporated into the draft permit prior to public notice. After this date, EPA will proceed with the permitting process by publicly noticing the draft permit. At the time of public notice, a copy of the notice will be sent to you. At that time you will have an additional opportunity to comment on or object to any aspects of the draft permit.

If you have any questions concerning the enclosed conditions or the procedures associated with the permit program, please contact me at the above address or by calling (404) 562-9296.

Sincerely,

Floyd Wellborn
Environmental Protection Specialist
NPDES and Biosolids Permits Section
Permits, Grants and Technical Assistance Branch
Water Management Division

Enclosures (2)

1. Draft NPDES Permit
2. Statement of Basis

cc: MS DEQ (with enclosures)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REF: 4WM-PGTAB

Mr. Wendell Stokes
Director of Public Works
Mississippi Band of Choctaw Indians
Post Office Box 6366 - Choctaw Branch
Philadelphia, Mississippi 39350

RE: Intent to Issue
Standing Pine Lagoon
NPDES Number MS0043494

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Permits, Grants and Technical Assistance Branch
Water Management Division

Enclosures (2)

1. Draft NPDES Permit
2. Statement of Basis

cc: MS DEQ (with enclosures)

bcc: NPDES Enforcement Clerk (with enclosures)

STATEMENT OF BASIS

FACILITY NAME: Standing Pine Lagoon

LOCATION: BIA Road 2521
Walnut Grove, Mississippi

NPDES NO.: MS0043494

RECEIVING WATER: Outfall 001: Unnamed tributary to Standing Pine Creek to the Pearl River

CLASSIFICATION/
USE DESIGNATION: FISH AND WILDLIFE - intended for fishing and for propagation of fish, aquatic life, and wildlife

PERMIT WRITER: Floyd Wellborn

Facility Description:

This facility operates an publically owned lagoon treating domestic sewage (SIC 4952). There is one existing discharge of treated sanitary wastewater to an unnamed tributary to Standing Pine Creek to the Pearl River (Fish and Wildlife Waters).

Basis for Final Effluent Limits and Permit Conditions

Proposed Permit Conditions and Justification:

Parameter	Proposed Condition	Justification
Flow, MGD	Monitor only	The requirement to monitor flow is consistent with the Clean Water Act (CWA, 1987 as amended) § 308(a).
Dissolved Oxygen, mg/l	minimum of 6.0	The effluent limitation for dissolved oxygen is based on modeling results calculating the minimum concentration allowable while protecting water quality (complete model results are retained in the administrative file folder.)

Parameter	Proposed Condition	Justification
CBOD ₅ , mg/l (lbs/day)	15.0 (15.3) monthly avg.	The seasonal monthly average effluent limitations of the concentration of CBOD ₅ are based on modeling results calculating the maximum concentration allowable while protecting water quality (complete model results are retained in the administrative file folder.)
	22.5 (22.9) weekly avg.	<p>The seasonal weekly average effluent limitations of the concentration of CBOD₅ are based on the best professional judgement (BPJ) of the permit writer and are consistent with the requirements established in 40 CFR Section 133.103. This section establishes the weekly average effluent limitations as 1.5 times the monthly average limit.</p> <p>Retaining the mass limitations from the previous permit is in accordance with the anti-backsliding provisions of 40 CFR § 122.44(l). The actual value of the limitations were based on the BPJ of the permit writer and calculated from the concentration limits and the maximum reported flow (assumed to be close to the design flow which wasn't reported) of the lagoon using the equation: (concentration limit)(8.434)(design flow) = mass limit.</p>
TSS, mg/l (lbs/day)	Monitor influent	The influent monitoring requirement is consistent with the Clean Water Act (CWA, 1987 as amended) § 308(a) in order to obtain the percent removal required by 40 CFR §§ 133.103(c) and 105(d).
	90.0 (91.5) monthly avg 135.0 (137.3) weekly avg	<p>The effluent limitations of concentration of TSS were based on the maximum level of effluent quality requirements of 40 CFR §§ 133.103(c) and 105(d) and Appendix B found in the September 20, 1984 Federal Register (49 FR 37005) for discharges of wastewater from waste stabilization ponds.</p> <p>The mass limitations were retained from the previous permit in accordance with the anti-backsliding provisions of 40 CFR § 122.44(l). The actual value of the limitations were based on the BPJ of the permit writer and calculated from the concentration limits and the design flow of the lagoon using the equations: (concentration limit)(8.434)(design flow) = mass limit.</p>

Parameter	Proposed Condition	Justification
TSS		<p>The weekly average concentration limit was changed from 90.0 mg/l to 135.0 mg/l in accordance with 40 CFR § 122.44(l)(2)(i)(B)(2) which states a reissued permit can have less stringent conditions than the previous permit if the previous permit was issued based on mistaken interpretations of the law. In this case, the statement of basis for the previous permit did not include a specific reason for the weekly average concentration limit. It only cited 40 CFR § 133.105(d). This citation, as stated above, leads to the September 1984 Federal Register which only includes a monthly average limitation. It is believed that the monthly average limit was simply copied over to the weekly average limit in the absence of a specific number for the weekly average limit in the Federal Register.</p> <p>In lieu of the approach of simply copying the monthly average limit, the weekly average limit is based on the BPJ of the permit writer to be consistent with the requirements established in 40 CFR Section 133.103. This section establishes the weekly average effluent limitations as 1.5 times the monthly average limit.</p>
pH, SU	6.0-9.0	The effluent limitation range for pH was based on the effluent quality requirements of 40 CFR § 133.102(c) for discharges of wastewater from POTWs.
Ammonia - Nitrogen, mg/l (lbs/day)	<p>Monthly Avg.</p> <p>May - Oct 2.0 (2.03)</p> <p>Nov - Apr 3.0 (3.05)</p>	<p>The monthly average effluent limitation for Ammonia as Nitrogen is based on modeling results calculating the maximum concentration allowable while protecting water quality (complete model results are retained in the administrative file folder).</p> <p>The mass limitations were included based on the BPJ of the permit writer to be consistent with the parameters CBOD₅ and TSS to protect water quality.</p>
Total Residual Chlorine, mg/l	<p>0.011 monthly avg.</p> <p>0.019 daily maximum</p>	The monthly average and daily maximum effluent limitations on the concentration of TRC are retained from the previous permit in accordance with the anti-backsliding provisions of 40 CFR § 122.44(l).

Parameter	Proposed Condition	Justification
Fecal Coliform Bacteria, #/100ml	May - Oct 200 monthly avg 400 weekly avg (geometric mean) Nov-Apr 2000 monthly avg 4000 weekly avg (geometric mean)	The effluent limitations for Fecal Coliform are based on the BPJ of the permit writer to protect downstream uses since the discharge is close to State waters. The limitations are consistent with the State of Mississippi Water Quality Standards (Section III.4.a.).
Percent Removal for TSS	65 % removal (minimum)	The effluent limitation for percent removal of TSS was based on minimum level of effluent quality requirements of 40 CFR §§ 133.103(c) and 105(d) for discharges of wastewater from waste stabilization ponds.

The permit conditions and limitations were taken from the following sources:

The previous NPDES permit.
Desktop modeling conducted by Virginia Buff of the EPA, Region 4.
The Clean Water Act (CWA).
40 CFR § 133.

Except where otherwise stated, the monitoring requirements required in Part I of the permit were based on the Best Professional Judgement (BPJ) of the permit writer.

The prohibition against floating solids, visible foam and oily sheen are based on the BPJ of the permit writer to protect downstream uses. The permit conditions are consistent with the CWA §§ 101(a)(2) and 402(b)(5).

The sludge management language was changed from the previous permit. The paint filter test was eliminated since the biosolids are not disposed in a municipal solid waste landfill. The TCLP test was eliminated since there are no industrial contributors to the treatment plant. The conditions of the permit were based on CWA Section 405(d) and 40 CFR Parts 503 and 258.

Proposed Schedule for Permit Issuance

Draft Permit to Applicant	August 14, 2003
Public Notice Date	September 11, 2003
Proposed Issuance Date	October 17, 2003
Proposed Effective Date	December 1, 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Wendell Stokes
Director of Public Works
Post Office Box 6366 - Choctaw Branch
Philadelphia, Mississippi 39350

RE: Public Notice of NPDES No. MS0043494
[Facility Name]

Dear _____:

In accordance with Title 40, Code of Federal Regulations (CFR) Section 124.10(c)(1)(i), enclosed is the Public Notice which the Environmental Protection Agency (EPA) has distributed pertaining to the EPA's tentative decision on your National Pollutant Discharge Elimination System (NPDES) permit application. All comments and objections to the draft permit must be submitted to EPA within the time period specified in the Public Notice. Only issues raised during this time period will be considered during any appeal procedures. Per 40 CFR § 124.76, at the time of final permit decision, only issues raised during the public comment period by any party may be used to support an evidentiary hearing request.

The draft permit and supporting materials were previously sent to you by letter dated _____. The draft permit referred to in the Public Notice is unchanged from the previous draft permit. State certification has been requested for this permit and any more stringent requirements received from the State will be incorporated into the final permit without prior review by the applicant.

If you have any questions concerning this matter, please contact me at the above address or by calling (404) 562-9296.

Sincerely,

Floyd Wellborn
Environmental Protection Specialist
NPDES and Biosolids Permits Section
Permits, Grants and Technical Assistance Branch
Water Management Division

Enclosure - Public Notice

DATE:

AMENDMENT TO THE FACT SHEET AT THE TIME OF FINAL PERMIT
MODIFICATION ISSUANCE

APPLICATION NO: MS0043494

NAME OF APPLICANT: Standing Pine Lagoon

1. Changes to Permit from Draft Permit to Final Permit Stage:

None

2. Public Comments

None

3. State Certification

State certification of the proposed permit was not required since the permitted activities are not in state waters. However, EPA believes the conditions of the permit to be protective of water quality.

